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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,925	12/14/2000	Carl Dionne	1561-63	5812
23117 7590 07/24/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
MANTWANG, JOSEPH R				
ART UNIT		PAPER NUMBER		
2144				
MAIL DATE		DELIVERY MODE		
07/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/735,925

Applicant(s)

DIONNE ET AL.

Examiner

Joseph Maniwang

Art Unit

2144

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/15/08 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. Claims 23-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Hacherl (U.S. Pat. No. 6,324,571).
3. Regarding claims 23, 29, 35, 36, and 37, Hacherl disclosed a method and system for sharing data over a network having a plurality of network-connected terminals, comprising a first data object that contains data (column 3, lines 40-43; column 6, lines 27-41) and that is duplicated to each of said other network-connected terminals, and a plurality of second data objects, each of which is a duplicate of a data object on another terminal, such that there exists within the network a plurality of sets of duplicated data objects (column 3, lines 16-18; column 7, lines 58-62; column 8, lines 42-44); displaying a plurality of entities on said visual display, wherein each of said entities is defined by the data in one of said first and second data objects (column 8,

lines 30-41); and periodically providing over said network an update of the data contained in said first data object (column 3, lines 18-19; column 5, lines 25-29; column 7, lines 38-57; column 8, lines 45-52), updating the data contained in said second objects in response to receiving updates over said network (column 7, lines 58-62); and for each set of duplicated data objects; storing information as to which of said data objects is a master data object that is responsible for maintaining consistency between the data in the data objects in said set, wherein any of said duplicated data objects in the set may be a master data object (column 3, lines 6-13; column 8, lines 12-13), and when the terminal that maintains said master data object becomes unavailable, determining which of said data objects in the set should be master data object and establishing said data object as master data object (column 8, lines 21-29; column 9, lines 58-65).

4. Regarding claims 24, 30, and 38, Hacherl disclosed the method and system wherein said instructions to maintain data consistency between duplicated objects monitor CPU usage and network bandwidth utilization (column 11, lines 34-65; column 13, lines 20-30).
5. Regarding claims 25, 31, and 39, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its CPU usage exceeds a threshold (column 11, lines 34-65; column 13, lines 20-30).
6. Regarding claims 26, 32, and 40, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its bandwidth utilization exceeds a threshold (column 11, lines 34-65; column 13, lines 20-30).

7. Regarding claims 27, 33, and 41, Hacherl disclosed the method and system wherein a terminal becomes unavailable when it is switched off (column 11, lines 34-65; column 13, lines 20-30).
8. Regarding claims 28, 34, and 42, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its connection to the network is lost (column 11, lines 34-65; column 13, lines 20-30).

### ***Response to Arguments***

9. Applicant's arguments filed 05/15/08 have been fully considered but they are not persuasive.
10. Regarding claims 23-42 rejected under 35 U.S.C. 102(e) as being anticipated by Hacherl, Applicant traverses the rejection.
11. Applicant first asserts that Hacherl does not disclose that each domain controller holds a plurality of data objects, each of which is a duplicate of an object on another domain controller. However, Hacherl discloses both the use of objects (column 5, lines 37-58; column 6, lines 42-62) and duplication of such objects between domains (column 7, lines 5-12).
12. Applicant further asserts that Hacherl does not disclose displaying entities on a visual display, each defined by the data in the data object. However, Hacherl discloses the invention in a WINDOWS NT environment using Active Directory (column 8, lines 30-41). One of ordinary skill in the art would reasonably be expected to draw from this portion of Hacherl that such an environment includes visual display of the data objects

in a domain. "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968) See MPEP 2144.01.

13. Applicant further asserts that Hacherl does not disclose that a terminal updates data in a first object and second object. To this point, Applicant argues that Hacherl does not send updates to objects but rather entire objects. Examiner notes that as acknowledged by Applicant, Hacherl discloses sending updated objects to a domain in order to propagate changes (column 7, lines 58-62). Examiner submits that this portion of the prior art reference reads on the limitation argued and that the breadth of the claim language allows for such an interpretation. The claims require no provision that updates to objects not entail replacing an object with an updated version of the object, or any other specific means of updating other than that such an update occur.

14. Applicant further asserts that there is no master data object for each set of data objects. However, Examiner reiterates the argument presented in the Final Rejection 11/15/07: Hacherl discloses precisely that a server could be designated a master, the attribute of which was then distributed over the network to other servers (see column 2, line 64 through column 3, line 19; column 8, lines 8-21). Furthermore, the master role was used in Hacherl to designate a task in which particular objects of the master server associated with the role were then replicated to other servers (see column 10, line 62 through column 11, line 15), in effect designating data and objects on the master server as a source (i.e., "master") from which to duplicate data for other servers, which reads

on the concept of a master object responsible to maintaining consistency between duplicated objects as claimed.

15. Lastly, Applicant asserts that Hacherl does not disclose that a master is responsible for maintaining consistency in a data set in that it does not address the problem of what happens if more than one update to the same data is received at the same time. However, Examiner submits that such an argument is irrelevant as there is no such provision required by the claim language. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on 8:00AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2144